

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: 07.05.2018

CRM-M-6986-2018

Daljit Singh @ Baggi and Others.....Petitioners

Versus

State of Punjab and Others.....Respondents

CRM-M -7006-2018

Rupinder Singh and Others.....Petitioners

Versus

State of Punjab and Others.....Respondents

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr. Prateek Pandit, Advocate for the petitioners
and for respondents No. 2 & 3 (in CRM-M-7006-2018)
Mr. Abheypal Singh Gill, Assistant Advocate General, Punjab
Mr. Nitin Rampal, Advocate for respondents No. 2 to 4
and for the petitioners (in CRM-M-7006-2018)

ARVIND SINGH SANGWAN, J.

This order will dispose of above mentioned two petitions i.e. CRM-M-6986-2018 and CRM-M-7006-2018. In both the petitions filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners are seeking quashing of FIR No. 43 dated 30.5.2012 under Sections 323, 324, 427, 447, 148, 149 and 506 of the Indian Penal Code, 1860 ('IPC' for short) and a cross case registered vide DDR No. 29 dated 30.5.2012 under Sections 307, 323, 324, 326, 443, 148 and 149 IPC (offence under Section 307, 326 IPC added later) registered at Police

Station Sadar District Kapurthala and all consequential proceedings arising therefrom, on the basis of compromise dated 18.8.2017 .

Vide order dated 19.2.2018, a direction was given to the trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties .

In pursuance thereof, the trial Court has submitted reports in both the cases dated 21.3.2018, (forwarded by the District and Sessions Judge, Kapurthala dated 21.3.2018) after recording the statements of the parties. The trial Court has submitted that the complainants-respondents- Rupinder Singh, Raghbir Singh and Narinder Singh (in CRM-M-6986-2018) and accused (in CRM-M-7006-2018) along with Jagmohan Singh, and Daljit Singh @ Baggi, Dalwinder Singh @ Gurvinder Singh, Parvinderjit Singh, Hardev Singh (since deceased) (complainant in 7006-2018 and accused in CRM-M-6986-2018) Pritpal Singh, Gurmukh Singh, and Lakhwinder Singh- accused (in CRM-M-6986-2018) have appeared along with their respective counsel, who had identified them and got their statements recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence.

As per the Full Bench judgement of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in “**Gian Singh vs State of Punjab and another**”, **2012(4) R.C.R. (Criminal) 543** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

Accordingly, both these petitions are allowed. FIR No. 43 dated 30.5.2012 under Sections 323, 324, 427, 447, 148, 149 and 506 IPC and a cross case registered vide DDR No. 29 dated 30.5.2012 under Sections 307, 323, 324, 326, 443, 148 and 149 IPC (offence under Section 307, 326 IPC added later) and all consequential proceedings arising therefrom, are ordered to be quashed qua petitioners by way of compromise subject to payment of total costs of ₹ 10,000/- each per petition in the Office of District Legal Services Authority, Kapurthala within 8 weeks from today, failing which this order shall stand recalled automatically without reference to the Court.

(ARVIND SINGH SANGWAN)
JUDGE

May 07, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No